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MEMO ENDORSED

February 8, 2021

BY ECF

Hon. Kenneth M. Karas
United States District Court
Southern District of New York
United States Courthouse
300 Quarropas Street, Chambers 533
White Plains, New York 10601-4150

**Re: PNC Investments LLC v. Honig, et al.
Case No. 17-cv-3203 (KMK) (LMS)**

Dear Judge Karas:

I am counsel of record for Defendant and Cross-Claim Plaintiff Jesse Honig in the above-referenced action (the “Action”). I write pursuant to Rules I B and II A of Your Honor’s Individual Rules and Local Rule 1.4 of the U.S. Dist. Courts for the S.D.N.Y and E.D.N.Y. to serve and file a motion to withdraw as counsel.

This Action was dismissed *without prejudice* on October 10, 2018. Docket Entry 42. Further, this Court retained jurisdiction over the matter pursuant to the Court’s September 12, 2018 order (the “Order”), a memo endorsement, that granted and so-ordered Jesse Honig’s application to the Court set forth in my September 5, 2018 letter, requesting that this Court retain jurisdiction with respect to the settlement of the Action on October 10, 2018. Please see docket entries 38, 39 and 42. For this reason, as a matter of caution, I am filing this request for a pre-motion conference although the action has been dismissed and no requests for judicial review are presently pending.

Factual Background

The Action, brought by PNC Investments LLC, was for interpleader with respect to a PNC Investments brokerage account in the name of a profit-sharing plan, the Piccolino World-Wide Retirement Trust (the “Profit-Sharing Plan” or the “Plan”). Two estranged brothers, Jesse Honig and Samuel Honig (the “Parties” or the “Honig Brothers”), who were both named as defendants in the Action, are the sole current Participants in the Plan. Each brother interposed cross-claims against the other brother and each sought to be appointed as Trustee of the Plan.

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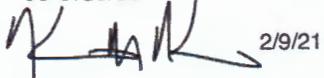
The Honig Brothers entered into a stipulation of settlement in which Samuel was appointed Trustee, subject to certain limitations in his powers set forth in a settlement agreement signed by the parties in October of 2018 (the “Settlement Agreement” or the “Agreement”).¹¹¹ Paragraph 5 (a) of the Agreement provides in pertinent part that “subject to the terms of the Agreement, that the Piccolino Trust [is to] be terminated and the assets distributed to the Beneficiaries . . .”

The Dispute

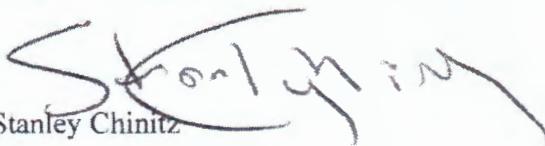
The Trust is in the process of being terminated. An unresolvable dispute has arisen between my client, Jesse Honing, and me as his attorney, as to among other things certain steps desired to be taken with respect to the settlement. The dispute cannot be resolved in a manner satisfactory to Mr. Honig. Accordingly, with Mr. Honig’s knowledge and consent I seek to file a motion pursuant to Southern District of New York Local Rule 1.4 to withdraw as his attorney. There are no motions pending in this matter which, as noted, has been discontinued. Moreover, I am not asserting a retaining lien with respect to the file.

Based on the representation that Mr. Honig does not oppose this Motion, it is granted. Counsel is reminded that Judge Smith retired five months ago.

So Ordered.


2/9/21

Respectfully submitted,


Stanley Chinitz

cc: Jesse Honig (by email)
Magistrate Judge Lisa M. Smith (by ECF)
John Re, Esq. (by ECF)

¹¹¹ For the Court’s convenience, a copy of the Settlement Agreement is attached as exhibit 1 to this letter.